

TEH  
355

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name HOLLIS MARVIN G  
(Last) (First) (Initial)

**FILED**

Prisoner Number E-37508

JUL 01 2008

Institutional Address P.O. BOX 3030 H.D.S.P.  
SUSANVILLE, CALIF, 96127

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

(PR)

**TEH**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARVIN GLENN HOLLIS **CV**

**08**

**3154**

(Enter the full name of plaintiff in this action.)

vs.

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

D. HERRICK

T. SELBY

D. SCHLITZ

B.F. RANKIN

(Enter the full name of the defendant(s) in this action))

COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
42 U.S.C §§ 1983

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement High Desert State Prison

B. Is there a grievance procedure in this institution?

YES ☒ NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ( )

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

- 1 -

~~VOID~~ ~~VOID~~  
 \* (JONES V. BOCK 127 S.Ct. 910 (2007)) \*

appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal \_\_\_\_\_

2. First

formal level \_\_\_\_\_

3. Second formal level \_\_\_\_\_

4 Third

formal level \_\_\_\_\_

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ( )

F. If you did not present your claim for review through the grievance procedure, explain why. \_\_\_\_\_

## II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

MARVIN GLENN HOLLIS P.O. BOX 3030  
 SUSANVILLE, CA, 96127

B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

D. HERRICK (L.P.T) Licensed PSYCHIATRIC TECHNICIAN,  
T. SELBY, CORRECTIONAL LT, D. SCHLITZ, CORRECTIONAL  
OFFICER, ALL DEFENDANTS ARE EMPLOYED AT SALINAS  
VALLEY STATE PRISON. B.F. RANKIN, CAPTAIN EMPLOYED  
AT SALINAS VALLEY STATE PRISON. III.

#### Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

1.) PLAINTIFF MARVIN GLENN HOLLIS, WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF CALIFORNIA IN THE CUSTODY OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION AT SALINAS VALLEY STATE PRISON. 2.) PLAINTIFF IS CURRENTLY CONFINED AT HIGH DESERT STATE PRISON. 3.) DEFENDANT D. HERRICK, IS A LICENSED PSYCHIATRIC TECHNICIAN FOR (CDR 3R) WHO AT ALL TIMES MENTIONED HEREIN WAS ASSIGNED TO SALINAS VALLEY STATE PRISON AND ACTED UNDER COLOR OF STATE LAW AND INSTITUTIONAL AUTHORITY IN THE CAPACITY OF [REDACTED] (L.P.T). THIS DEFENDANT IS SUED IN HER INDIVIDUAL AND OFFICIAL CAPACITY.

#### IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

\*(SEE NEXT PAGE)\*

COMPLAINT

- 3 -

1. AWARDED REASONABLE ATTORNEY FEES AND COST.  
 2. A DECLARATORY JUDGMENT THAT THE DEFENDANTS  
ACTS AND PRACTICES DESCRIBED HEREIN VIOLATES  
PLAINTIFF RIGHTS AS HEREIN STATED. 3. COMPENSATORY  
DAMAGES IN THE AMOUNT OF \$100,000.00 FROM  
DEFENDANTS AND ALL OF THEM TO PLAINTIFF. \* (CONTINUED) \*

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of JUNE, 20 08

Murvin Glenn Hollis

(Plaintiff's signature)

"VERIFICATION"

I AM THE PLAINTIFF IN THE ABOVE ENTITLED  
 ACTION. I HAVE READ THE FOREGOING  
 COMPLAINT AND KNOW THE CONTENTS  
 THEREOF. THE SAME IS TRUE OF MY OWN  
 KNOWLEDGE, EXCEPT AS TO THOSE MATTERS  
 WHICH ARE THEREIN ALLEGED ON INFORMATION AND  
 belief, I BELIEVE IT TO BE TRUE.

I DECLARE UNDER PENALTY OF PERJURY  
 THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: 6-15-08 Murvin Glenn Hollis  
 - PLAINTIFF -

4.) DEFENDANT T. SELBY, IS A CORRECTIONAL LT. FOR (CDCR) WHO AT ALL TIMES MENTIONED HEREIN WAS ASSIGNED TO SALINAS VALLEY STATE PRISON AND ACTED UNDER COLOR OF STATE LAW AND INSTITUTIONAL AUTHORITY IN THE CAPACITY OF CORRECTIONAL LT. THIS DEFENDANT IS SUED IN HER INDIVIDUAL ~~OFFICIAL~~ CAPACITY.

5.) DEFENDANT D. SCHLITZ, IS A CORRECTIONAL OFFICER FOR (CDCR) WHO AT ALL TIMES MENTIONED HEREIN WAS ASSIGNED TO SALINAS VALLEY STATE PRISON AND ACTED UNDER COLOR OF STATE LAW AND INSTITUTIONAL AUTHORITY IN THE CAPACITY OF CORRECTIONAL OFFICER. THIS DEFENDANT IS SUED IN HIS INDIVIDUAL ~~OFFICIAL~~ CAPACITY.

6.) DEFENDANT B.F. RANKIN, IS A CORRECTIONAL CAPTAIN FOR (CDCR) WHO AT ALL TIMES MENTIONED HEREIN WAS ASSIGNED TO SALINAS VALLEY STATE PRISON AND ACTED UNDER COLOR OF STATE LAW AND INSTITUTIONAL AUTHORITY IN THE CAPACITY OF CORRECTIONAL CAPTAIN. THIS DEFENDANT IS SUED IN HIS INDIVIDUAL CAPACITY.



7.) defendants does 1-4 are each responsible in some manner for the constitutional violations and damage to plaintiff alleged herein. The true names and capacities of defendants does 1-4 are presently unknown to plaintiff. Plaintiff is informed and believes and therefore alleges on information and belief that each of them is responsible in some manner for the constitutional violations and damages to plaintiff alleged herein. Plaintiff therefore sues does 1-4 by such fictitious names and will seek leave to amend this complaint to add their true names when the names have been ascertained.

- 8.) This action arises from defendant's retaliating against plaintiff for plaintiff use of the grievance procedure, being a jailhouse lawyer and due to their personal animosity towards plaintiff which infringed plaintiff 1st and 14th amendment constitutional rights.
- 9.) ON 4-16-07 defendant D. HERRICK, FALSELY charged and accused plaintiff of rule violation for the specific act of willfully obstructing in retaliation and reprisal for plaintiff use of the (CCJR) 602 prison grievance procedure in which plaintiff informed defendant HERRICK, that he was going to file a complaint against her for her unprofessionalism towards me and neglect of responsibility and duties.
- 10.) Plaintiff filed a staff complaint on D. HERRICK, ON 4-18-07 for misconduct and retaliation.

- 11.) ON 4-16-07 PLAINTIFF WAS HOUSED IN A segregative unit while in the mental health program which D. HERRICK, WAS WALKING the housing unit tiers doing mental health ROUNDS.
- 12.) The mental health ROUNDS were NOT ANNOUNCED AND I WAS UNAWARE that ROUNDS were being conducted UNTIL at which time I observed defendant HERRICK, ON the tier with A OFFICER.
- 13.) I REQUESTED mental health services FROM D. HERRICK, AND ATTEMPTED to inform her that my mental health WAS deteriorating AND informed her that I WAS going to FILE A complaint AGAINST her FOR the UNANNOUNCED visit.
- 14.) D. HERRICK, became BELIGERANT with plaintiff AND told plaintiff; I KNOW how to write to; AND I'm going to write YOUR ASS UP FOR obstructing
- 15.) D. HERRICK, had PERSONAL ANIMOSITY towards plaintiff which ~~was~~ CAUSED her to FILE FALSE charges AND SLANDEROUS ACCUSATIONS AGAINST plaintiff. IN RETALIATION.



- 16.) DEFENDANT D. HERRICK, INFRINGEMENT OF PLAINTIFF RIGHT TO FILE GRIEVANCE HAD A CHILLING EFFECT AND THE RETALIATION DID NOT ADVANCE NO LEGITIMATE PENOLOGICAL GOALS OR INTEREST TO PRESERVE INSTITUTIONAL ORDER OR DISCIPLINE.
- 17.) DEFENDANT D. SCHLITZ, FALSIFIED HIS INVESTIGATIVE EMPLOYEE REPORT RELATIVE TO D. HERRICK, FALSE CHARGE IN RETALIATION OF MY PRIOR USE AND USE OF THE GRIEVANCE PROCEDURE WHICH CAUSED FOR AND VIOLATED MY DUE PROCESS RELATIVE TO D. HERRICK, FALSE CHARGE.
- 18.) D. SCHLITZ, HAD DIRECT KNOWLEDGE OF THE APPEALS I FILED AGAINST D. HERRICK, AND MY HISTORY OF APPEALS I FILED AND STATUS AS A JAILHOUSE LAWYER AND ASSISTED DEFENDANT T. SELBY, TO VIOLATE MY DUE PROCESS ALL IN RETALIATION.
- 19.) ON 5-18-07 DEFENDANT T. SELBY, FALSELY FOUND PLAINTIFF GUILTY OF THE FALSE CHARGE AUTHORED BY D. HERRICK, WITHOUT DUE PROCESS AND IN RETALIATION OF MY PRIOR USE OF THE GOZ PROCEDURE AND DUE TO PERSONAL ANIMOSITY TOWARDS PLAINTIFF.

- 20.) AS A RESULT OF THE FALSE AND RETALIATORY GUILTY FINDING PLAINTIFF SUFFERED 90 DAYS LOSS OF GOOD TIME CREDITS, 90 DAYS LOSS OF TELEPHONE PRIVILEGES, CANTEEN, FAMILY VISITS, QUARTERLY PACKAGES, SPECIAL PURCHASES, AND 10 DAYS LOSS OF OUTDOOR RECREATION YARD.
- 21.) PLAINTIFF ALSO SUFFERED AN ATYPICAL SIGNIFICANT HARDSHIP WHILE IN SEGREGATION AT THE TIME OF THE EVENTS OF THIS ACTION WHICH INCLUDE AND NOT LIMITED TO; ISOLATED/CONFINED IN A CELL FOR 23 HOURS A DAY, RESTRICTED LAW LIBRARY ACCESS, LESS PRIVILEGES AND PROPERTY IN MY CELL, NO PHONE CALLS TO FAMILY AND FRIENDS, INADEQUATE MEDICAL, DENTAL, AND MENTAL HEALTH SERVICES, AND TREATMENT, AND 10 DAYS LOSS OF FRESH AIR AND OUTDOOR RECREATION YARD, IN ADDITION THE UNIT WAS VIOLENT AND OVERCROWDED.
- 22.) THERE WAS ABSOLUTELY NO EVIDENCE THAT I OBSTRUCTED ANY STAFF OR VIOLATED CCR 305.5(b). IN ADDITION I WAS DENIED DUE PROCESS, DENIED WITNESSES, A FAIR AND IMPARTIAL HEARING, AND A ADEQUATE FAIR INVESTIGATION OF THE CHARGE.

- 23.) DEFENDANTS T. SELBY, AND D. SCHLITZ, INFRINGEMENT OF PLAINTIFF RIGHT TO FILE GRIEVANCES HAD A CHILLING EFFECT AND THE RETALIATION DID NOT ~~ADVANCE~~ ADVANCE NO LEGITIMATE PENOLOGICAL GOALS OR INTEREST TO PRESERVE INSTITUTIONAL ORDER OR DISCIPLINE.
- 24.) ON JULY 17, 2007 CHIEF DEPUTY WARDEN G.A. NEOTTI, AT THE 2ND LEVEL OF APPEAL ORDERED RVR# D-07-040070 AUTHORED BY D. HERRICK, REISSUED REHEARD ORDERING A NEW HEARING OFFICER AND TO ENSURE THAT PLAINTIFF IS AFFORDED ALL PROCEEDURAL DUE PROCESS RIGHTS AFFORDED IN TITLE 15. DIVISION 3.
- 25.) NO REHEARING WAS EVER TAKEN OR HELD RELATED TO RVR# D-07-040070 WHICH "VOIDED" OR INVALIDATED THE FALSE CHARGE.

26.) ON 9-27-07 DEFENDANT RANKIN, INTENTIONALLY disobeyed the chief deputy warden order at the 2nd level of appeal dated 7-17-07 and disregarded such order and ordered his LT. to write plaintiff up a 128-A IN A attempt to cover up the issues raised in plaintiff appeals against D. HERRICK, and to speed up the process so (CSR) would approve a adverse transfer to High desert state prison, IN RETALIATION FOR MY PRIOR use of the grievance procedure and due to his personal animosity towards plaintiff and my status as a ~~JAILHOUSE~~/LAWYER and complainer.

27.) DEFENDANT RANKIN, had direct knowledge of the appeals plaintiff filed against D. HERRICK, MY status of a JAILHOUSE LAWYER, AND PRIOR APPEALS I submitted/filed which defendant RANKIN, over the course of this time grew to dislike plaintiff and have personal animosity toward plaintiff and acted to speed my transfer process up so I could be endorsed by (CSR) for a adverse transfer to (HDSP) which is a prison (CDCR) staff routinely have inmates who litigate transferred to for punishment.



- 28.) ON 10-2-07 CAPTAIN RANKIN, had his boss ~~\_\_\_\_\_~~ ASSOCIATE WARDEN LEWIS to sign A NOTICE OF ACTION to AUTHORIZED his ORDER FOR his LT. to write AND sign A 128-A AGAINST PLAINTIFF to make IT APPEAR AS IF D. HERRICK, wrote A 128-A.
- 29.) CAPTAIN RANKIN, ALSO ORDERED his DISCIPLINARY OFFICER S. CELAYA, ON 10-2-07 to complete AND sign the modification ORDER that WAS GENERATED FOR the (RVR) to be REISSUED REHEARD that the (RVR) WAS REDUCED to A 128-A to complete the PROCESS OF RVR# D-07-04-0070 SO (CSR) COULD APPROVE MY TRANSFER AWAY FROM SALINAS VALLEY STATE PRISON.
- 30.) THIS INFRINGEMENT UPON PLAINTIFF RIGHT TO FILE GRIEVANCE HAD A CHILLING EFFECT AND THE RETALIATORY ACTIONS DID NOT ADVANCE NO LEGITIMATE PENOLOGICAL GOALS OR INTEREST TO PRESERVE INSTITUTIONAL ORDER OR DISCIPLINE.



- 31.) DEFENDANTS RETALIATION AND RETALIATORY ACTION AGAINST PLAINTIFF WAS WILLFUL, OPPRESSIVE, ANNOYING, AND ADVANCED NO LEGITIMATE PENOLOGICAL GOALS OR INTEREST.
- 32.) The exercise of my 1st amendment rights were chilled by defendants.
- 33.) I had a right to due process and a fair and impartial disciplinary hearing and investigation relative to RVR# D-09-04-0070.
- 34.) I did not tell D. HERRICK, OR YELL "LISTEN YOU FAT FUCKING BITCH" AS WRITTEN IN RVR# D-09-04-0070, and the 128-A.
- 35.) I continue to suffer from D. HERRICK, FALSE ALLEGATION.
- 36.) DEFENDANTS ACTING UNDER COLOR OF STATE LAW, WILLFULLY, INTENTIONALLY, KNOWINGLY, AND CONCERTEDLY, DEPRIVED PLAINTIFF OF RIGHTS, PRIVILEGES, AND IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES INCLUDING THE 1st AND 14th amendment by subjecting plaintiff to infringement of his constitutional and federal statutory rights.

\* (RELIEF CONTINUED) \*

4.) PUNITIVE DAMAGES OF \$200,000.00 FROM DEFENDANTS AND ALL OF THEM TO PLAINTIFF TO SET AN EXAMPLE AND TO DETER THOSE IN THE FUTURE FROM BEHAVING IN A MANNER AS HAVE DEFENDANTS.

5.) THAT DEFENDANTS PAY FOR COURT FEES AND COST.

6.) FOR FURTHER RELIEF THAT THE COURT MAY DEEM REASONABLE, FAIR, AND PROPER.

7.) THAT THE 128-A BE VOIDED AND TAKEN OUT MY CENTRAL FILE.

DATE: 6-15-08

MARRIN GLENN HOLLISS  
- PLAINTIFF -

"DEMAND FOR JURY TRIAL"

I demand A JURY TRIAL FOR ALL CLAIMS  
FOR WHICH A JURY TRIAL IS ALLOWED.

DATE: <sup>6-15-08</sup>  
~~6-15-08~~

MURVIN GLENN HOLLISS  
- PLAINTIFF -

## "Supporting Documents"

PROOF OF EXHAUSTION OF ALL  
ADMINISTRATIVE REMEDIES FOR COURT  
AND DEFENDANTS. "ADMINISTRATIVE"  
RECORDS • ATTACHED IN GOOD FAITH.

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: DEC 12 2007

In re: Hollis, E-37508  
High Desert State Prison  
P.O. Box 270220  
Susanville, CA 96127

IAB Case No.: 0706907

Local Log No.: SVSP 07-01812

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner Jack Batchelor, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that on April 16, 2007 D. Herrick, License Psychiatric Technician (LPT), submitted a false report accusing the appellant of willfully obstructing program and a CDC Form 115, Rules Violation Report was administered to that affect. The appellant asserts that he did nothing to warrant a CDC-115. The appellant also asserts he has had no further issues with LPT Herrick and a working relationship has improved. The appellant indicates that Correctional Officer (CO) Castellanos was working in the housing unit on April 16, 2007 and he could verify that the report is false.

The appellant requests that LPT Herrick stops harassing him and falsifying state documents and that an investigation is conducted into the alleged falsification of state documents. The appellant requests that charges are filed against the staff member with the District Attorney for her unlawful actions.

**II SECOND LEVEL'S DECISION:** The reviewer found that pursuant to Administrative Bulletin (AB) 05/03, a review of the allegations of staff misconduct presented in the written complaint has been completed and that appropriate supervisory staff conducted an inquiry into this matter. The inquirer reviewed the submitted material and interviewed the involved parties. The appellant was interviewed on May 16, 2007, by Supervising Registered Nurse II C. Shytle. Interviews were also conducted with LPT Herrick on May 24, 2007 and CO Castellanos on May 31, 2007. Release of the finding or information related to the inquiry is confidential and will not be disclosed.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** Upon review of the documentation submitted, it is determined that the appellant's allegations have been reviewed and evaluated by administrative staff and an appeals inquiry has been completed. The Appeals Examiner reviewed a copy of the staff inquiry conducted by SRN II C. Shytle and all staff personnel matters are confidential in nature and not privy to the inquiries of other staff, the general public, or the inmate population.

**B. BASIS FOR THE DECISION:**

California Penal Code Section: 832.5, 832.7, 832.8

California Code of Regulations, Title 15, Section: 3004, 3122

AB 05/03

**C. ORDER:** No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, HDSP  
Appeals Coordinator, HDSP  
Appeals Coordinator, SVSP



## INMATE/PAROLEE

## APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. SVOP d1. 01-0180

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

false reportPK D. Herrick

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
<u>MARVIN HOLLIS</u>	<u>E-37508</u>	<u>*ACI-SEG*</u>	<u>D-8-220</u>

A. Describe Problem: This complaint is filed against SALINAS VALLEY STATE PRISON psych tech D. HERRICK. ON 4-16-07 D. HERRICK FALSIFIED STATE DOCUMENTS by submitting A FALSE REPORT SLANDEROUS ACCUSATION AGAINST. This misconduct against me was to harass me and IN RETALIATION FOR ME EXPRESSING my 1st amendment right due to her personal animosity towards me. D. HERRICK, INCOHERENT REPORT did NOT serve A Legitimate penological interest or institutional

If you need more space, attach one additional sheet.

\*(SEE ATTACHMENT)\*

B. Action Requested: FOR D. HERRICK, to stop HARASSING ME AND FALSIFYING STATE DOCUMENTS. FOR AN INVESTIGATION to be conducted ON D. HERRICK, FOR FALSIFYING state documents. FOR charges to be filed AGAINST D. HERRICK, with the district attorney office FOR her UNLAWFUL ACTIONS.

Inmate/Parolee Signature: Marvin HollisDate Submitted: 4-18-07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

**BYPASS**

RECEIVED APR 19 2007

DELIVERED AUG 27 2007

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

**BYPASS**

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim

ofc

SEE ATTACHED MEMORANDUM  
(HOLLIS) SKSP-D-07-1812

First Level ☐ Granted ☒ P. Granted ☒ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 4-23-07 Due Date: 6-1-07

Interviewed by: CLAYTON SHYTLER SRNTI

Denial as no evidence of falsification of State documents noted during interview of D. Herrick and CO Castellanos. CO Castellanos interviewed per your request and does not have any recollection of event in question.

Staff Signature: [Signature] Title: SRNTI Date Completed: 6/1/07  
Division Head Approved: [Signature] Title: SRNTI Returned: 6/1/07  
Signature: [Signature] Title: SRNTI Date to Inmate: 6/1/07

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Dissatisfied! The action requested has not been granted nor issue resolved. OFFICER CASTELLANOS REFUSE TO TELL THE TRUTH WHICH HAS IMPEACHED THIS INVESTIGATION AS WHEN THE I.E. QUESTIONED CASTELLANOS FOR THE RVR# 115 HE LIED TO THE I.E. IN SUPPORT FOR D. HERRICK (SRNTI) WRITTEN 1ST LEVEL RESPONSE SUPPORTS MY CLAIM AS HE HAD NO REMEMBRANCE OF THE ALLEGED CLAIM FALSIFIED ON ME.

Signature: [Signature] Date Submitted: 6-20-07

Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other RECEIVED JUN 20 2007

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 6-21-07 Due Date: 7-19-07

☒ See Attached Letter

Signature: [Signature] Date Completed: 7/25/07

Warden/Superintendent Signature: [Signature] Date Returned to Inmate: [Signature]

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Dissatisfied! This complaint has not been handled per A/B 05/03. NO I/M WITNESSES WERE INTERVIEWED NOR THE FACT OFFICER CASTELLANOS DISHONEST CONTRADICTIONARY STATEMENT TO THE I.E. IN RVR# FD-07-04-0070 COMPARED TO HIS STATEMENT IN SECTION I.E.1 AT THE 1ST LEVEL. D. HERRICK, HAS CONTINUED TO FILE FALSE REPORTS AGAINST BLACK INMATES SINCE THIS APPEAL. ALL ISSUES IN APPEAL HAS NOT BEEN ADDRESSED OR TAKEN SERIOUSLY.

Signature: MURVIN HOLLIS Date Submitted: 8-27-07

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

SVSP INMATE APPEALS OFFICE  
RECEIVED COMPLETED RESPONSE ON

JUL 27 2007

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

☒ See Attached Letter

1ST LVL ☐ 2ND LVL ☒

Date: DEC 12 2007



\* (CONTINUED FROM SECTION (A) 3 (B)) \*

goals and had a chilling effect. D. HERRICK, INFRINGED my 1st Amendment Right [REDACTED] IN WHICH I INFORMED D. HERRICK, ON 4-16-07 THAT I WAS GOING TO FILE A (CDC) 602 COMPLAINT AGAINST HER FOR HER UNPROFESSIONALISM TOWARDS ME AND NEGLECT OF RESPONSIBILITIES AND DUTY. D. HERRICK, HAD PERSONAL ANIMOSITY TOWARDS ME AFTER I INFORMED HER THAT I WOULD BE SUBMITTING A (CDC) 602 GRIEVANCE AGAINST HER. THIS STAFF HAS VIOLATED THE CODE OF CONDUCT AND TITLE 15. DIVISION 3. PER CCR. 3084 (2); I HAVE A RIGHT TO BE TREATED FAIRLY AND IMPARTIALLY BY ALL EMPLOYEES. PER CCR. 3084.1 (1); NO REPRISAL SHALL BE TAKEN AGAINST AN INMATE FOR FILING AN APPEAL. THIS COMPLAINT IS FILED AS AN EMPLOYEE MISCONDUCT APPEAL PER CCR. 3391. IT'S STAFF LIKE THIS THAT IS IMPEACHING THE PROCESS TO MAKE THINGS BETTER. AS A RESULT OF D. HERRICK, FALSIFYING STATE DOCUMENTS AGAINST ME, I SUFFER EMOTIONAL DISTRESS AND MENTAL ANGUISH. I HAVE NOT HAD ANY PROBLEMS WITH ANY MENTAL HEALTH STAFF WHILE I'VE BEEN HOUSED

\* (OVER ON BACK SIDE) \*

IN (ASU) D-8. MY MENTAL HEALTH RECORDS DOES NOT SUPPORT ANY OF THE ALLEGATIONS MADE BY D. HERRICK, AGAINST ME ON 4-16-07. IT IS OF PARAMOUNT FOR THE ACTION REQUESTED TO BE GRANTED.

\* (CONTINUED FROM SECTION (B)) \*

FOR INMATES THAT WAS HOUSED IN D-8 "B" POD ON 4-16-07 TO BE INTERVIEWED BY INVESTIGATING STAFF, FOR D. HERRICK, TO BE OFFERED TO TAKE A LIE DETECTOR TEST OF HER ALLEGATIONS AGAINST ME.

State of California

# Memorandum

Date : June 1, 2007

To : Inmate Hollis, CDC# E37508  
Delta-8-220

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # SVSP-D-07-01812**

**APPEAL ISSUE:** The appellant states that on April 16, 2007 Debra Herrick submitted a false report accusing inmate of willfully obstructing program and a CDC-115 was administered to that affect. Inmate reports that he did nothing to warrant a CDC-115. Inmate also reported that he has had no further issues with LPT Herrick and working relationship has improved. Inmate reports Officer Castellanos was working DELTA 8 on April 16, 2007 and he could verify false report.

The appellant requests LPT Herrick stop harassing him and falsifying state documents and an investigation to be conducted into alleged falsification of state documents. Requests charges are filed against staff with the District Attorney for her unlawful actions.

**DETERMINATION OF ISSUE:** A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

- ☒ PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY  
☐ REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note: You will be notified of the conclusion of any internal affairs investigation)

## **SUMMARY FOR APPEAL INQUIRY:**

You were interviewed on May 16, 2007 by C. Shytle, SRN II and stated the allegation to the interviewer. The following witnesses were questioned: D. Herrick, LPT and Officer J. Castellanos. The following information was reviewed as a result of your allegations of staff misconduct: Staff sign in sheets and CDC 115 documentation.

## **FINDINGS FOR AN APPEAL INQUIRY:**

Your appeal is PARTIALLY GRANTED at the ☒ First level ☐ Second level, as an inquiry into your allegation has been conducted. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.



Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

Please print and sign below:



M. Byrne, SRN II

Director of Nursing (A)

6/1/07

Date

State of California

Department of Corrections and Rehabilitation

# Memorandum

Date : July 25, 2007

To : Marvin Hollis, # E37508  
Salinas Valley State Prison, Facility D, Building 8, Cell 220

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # SVSP-D-07-01812**

SVSP INMATE APPEALS OFFICE RECEIVED COMPLETED RESPONSE ON	
JUL 27 2007	
1 <sup>ST</sup> LVL <input type="checkbox"/>	2 <sup>ND</sup> LVL <input checked="" type="checkbox"/>

**APPEAL ISSUE:** The appellant states that on April 16, 2007 D. Herrick, Licensed Psych Tech (LPT), submitted a false report accusing inmate of willfully obstructing program and a CDC-115 was administered to that effect. Inmate reports that the CDC-115 was written in retaliation for his writing a staff complaint and he did not say derogatory remarks to her. Inmate reports D. Herrick was unprofessional and disrespectful in her dealings with him.

The appellant requests LPT Herrick stop harassing him and falsifying state documents and an investigation to be conducted into alleged falsification of state documents. Requests charges be filed against staff with the District Attorney for her unlawful actions.

**DETERMINATION OF ISSUE:** A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

- ☒ PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY  
☐ REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note: You will be notified of the conclusion of any internal affairs investigation)

**SUMMARY FOR APPEAL INQUIRY:**

You were interviewed on May 16, 2007 by C. Shytle, SRN II and stated the allegation to the interviewer. The following witness was questioned: Officer J. Castellanos. The following information was reviewed as a result of your allegations of staff misconduct: Staff sign in sheets and CDC 115 documentation.

On July 23, 2007 Inmate Hollis was interviewed again. At that time, the appellant stated that he had no further interaction with D. Herrick. It was also stated that the CDC-115 ruling was being appealed due to the appellant's claim of not having made the statements to Ms. Herrick, nor cause her rounds to be delayed. All previous documentation was reviewed as well as the RVR-Part C dated May 18, 2007 and the log book maintained by the Unit Sergeant.


**FINDINGS FOR AN APPEAL INQUIRY:**

Your appeal is PARTIALLY GRANTED at the ☐ First level ☒ Second level, as an inquiry into your allegation has been. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to

DELIVERED AUG 27 2007

submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

C. D. Lee /   
Health Care Manager

  
Date

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER 2-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-04-0070	INSTITUTION SVSP	TODAY'S DATE 05/17/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 05/17/07, I was assigned as Investigative Employee for CDC-115, Log# FD-07-05-0070. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

DEFENDANT'S STATEMENT: On 05/17/07, I interviewed Inmate HOLLIS (2-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I request to be found not guilty in the interest of justice. Staff member D. Herrick, has filed a false report and made false allegations against me in retaliation and her personal animosity towards me. I did not violate a serious rule violation of CCR, 3005(b) that I'm being charge for violating. D. Herrick has violated the code of conduct by willfully filing false charges against me due to her personal animosity against me. D. Herrick has taken advantage of my mental health condition."

REPORTING EMPLOYEE'S STATEMENT: On 05/17/07, I interviewed Correctional L.P.I. regarding Inmate HOLLIS disciplinary charges, and L.P.I. Herrick made the following statement: "Inmate HOLLIS continued actions caused the other inmate to continue yelling, which necessitated me to stop the psche rounds in B-Pod and continue to C-Pod. Inmate HOLLIS actions delayed Psche rounds in B-Pod for approximately 15 minutes to allow the yelling to stop so psche rounds could be continued."

INVESTIGATIVE EMPLOYEE'S STATEMENT: Correctional Officer D. Schlitz made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this 27R".

Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing.

NAME	POSITION	DOB
Castellanos	C/O	
D. Herrick	L.P.I.	

Questions for C/O J. Castellanos \*

- Q1) Did you witness any of the allegations made by D. Herrick against Inmate HOLLIS on 04/16/07?  
A1) Yes.  
Q2) Why didn't you write a supplemental report?  
A2) Because Herrick did.  
Q3) Which inmates if any were yelling obscenities and laughing in the section during the alleged 15 minutes delay?  
A3) They all were.  
Q4) Did you observe Inmate HOLLIS disobey any orders or yell at D. Herrick on 04/16/07, in B8-A517?  
(Don't See Additional CDC-115 Part 'C')

D. Schlitz, Correctional Officer

SIGNATURE OF WRITER		DATE SIGNED	
GIVEN BY: (Staff's Signature)		DATE SIGNED	TIME SIGNED
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

Found guilty on 5-18-07



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER 157503	INMATE'S NAME MULLIS	LOG NUMBER 2-17-04-007	INSTITUTION 3/32	TODAY'S DATE 06/17/07
<input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

16) Yes.

Question for Mr. Mullis:

- 17) Mr. Mullis, did you allegedly with a aggressive affect?
- 18) Is called me over and then got that squinted mean look and started yelling obscenities.
- 19) Where was your location in 22430 during your alleged 15 minute delay?
- 20) I went to 2-304 and had to wait for approximately 15 minutes for them to all stop yelling.
- 21) What time did you sign in and out of 22430 on the 22430 log book on 06/15/07?
- 22) Don't know.
- 23) After inmate MULLIS alleged comments, "listen you, fucking fat bitch," how did it cause other inmates in the pod to laugh and yell obscenities at you?
- 24) You laughed then and some were angry at you.
- 25) Did you discuss any of the alleged inmates obscenities towards you?
- 26) No, because I couldn't call who they were.
- 27) How was inmate MULLIS alleged actions continued?
- 28) Irrelevant.
- 29) Was conversation if any conspiious after inmate MULLIS alleged actions towards you between you and inmate MULLIS?
- 30) Yes.

Mr. Mullis, Correctional Officer

SIGNATURE OF WRITER		DATE SIGNED	
GIVEN BY: (Staff's Signature)		DATE SIGNED	TIME SIGNED
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE		06/17/07	1450



## INMATE APPEAL ROUTE SLIP

**To: CTC**

*HCM Lacy*

Date: April 27, 2007

**From: INMATE APPEALS OFFICE**

**Re: Appeal Log Number SVSP-D-07-01812 By Inmate HOLLIS, E37508**

Please assign this appeal to appropriate staff for **FIRST** level response.

Appeal Issue: STAFF COMPLAINTS

Due Date: **06/01/2007**

Special Needs:

**STAFF INSTRUCTIONS: Per Director's Rule 3084.5(f) (2) first level appeal review requires a personal interview with the inmate unless the appeal is granted.** This policy is not within the institution's jurisdiction and cannot be waived. Director's Rule 3084.5(f) (3) provides that a telephonic interview may be conducted if the inmate is not available in person.

Begin response with GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return appeal to the Appeals Office. All first level appeals require signature of the Division Head. Appeals that are incomplete will be returned for appropriate completion.

Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / E. MEDINA CC-II  
Appeals Coordinators  
Salinas Valley State Prison

## INMATE APPEAL ROUTE SLIP

**To: CTC**

Date: June 21, 2007

From: INMATE APPEALS OFFICE

Re: Appeal Log Number **SVSP-D-07-01812** By Inmate HOLLIS, E37508

Please assign this appeal to appropriate staff for **SECOND** level response.

Appeal Issue: STAFF COMPLAINTS

Due Date: **07/19/2007**

Special Needs:

**STAFF INSTRUCTIONS:**

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / E. MEDINA CC-II  
Appeals Coordinators  
Salinas Valley State Prison

**INMATE APPEALS BRANCH**

1515 S Street, Sacramento, CA 95814  
P.O. Box 942883  
Sacramento, CA 94283-0001



(Exhibit)

January 15, 2008

HOLLIS, MARVIN, E37508  
High Desert State Prison  
P.O. Box 270220  
Susanville, CA 96127

RE: IAB# 0708619 (SVSP-07-02525 DISCIPLINARY)

Mr. HOLLIS:

The Inmate Appeals Branch, California Department of Corrections and Rehabilitation (CDCR) acts for the Director, Division of Adult Institutions, at the third level of appeal. The Branch examines and responds to inmate and parolee appeals that are submitted on a CDC Form 602, Inmate/Parolee Appeal Form, after the institution or parole region has responded at the Second Level of Appeal.

Institution and parole staff are available to assist you in obtaining additional copies of forms and documents required to submit an appeal. The inmate library offers resources and assistance to obtain general information regarding regulations, procedures, policies, and government agency addresses. Additionally, your assigned Counselor or Parole Agent, or the Appeals Coordinator can answer any questions you may have regarding the appeals process. The Inmate Appeals Branch appreciates your responsible use of the appeal system to address your grievance.

The Inmate Appeals Branch has received an appeal from you and has determined that it does not comply with the appeal procedures established in California Code of Regulations (CCR) Title 15, Article 8, and is being screened-out and returned to you pursuant to CCR 3084.3 for the following reason(s):

The Second Level of Review is considered the department's final action in regard to CDC Form 128-A, Custodial Chronos.

Per Modification Order Log #07-056 dated October 2, 2007, RVR Log #FD-07-09-0049R was reduced to a CDCR 128-A.

*N. Grannis*

N. GRANNIS, Chief  
Inmate Appeals Branch

**INMATE APPEALS BRANCH**

1515 S Street, Sacramento, CA 95814  
P.O. Box 942883  
Sacramento, CA 94283-0001



October 23, 2007

HOLLIS, MARVIN, E37508  
Salinas Valley State Prison  
P.O. Box 1020  
Soledad, CA 93960-1020

RE: IAB# 0708619, Institution Log# SVSP-07-02525, DISCIPLINARY

Mr. HOLLIS:

The Inmate Appeals Branch (IAB) has received your appeal regarding the above matter. It has been forwarded to the Appeals Coordinator at SVSP for further action.

A handwritten signature in black ink, appearing to read "N. Grannis".

N. GRANNIS, Chief  
Inmate Appeals Branch

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE  
APPEAL FORM**  
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. CVOP d1. 07.02525

2. \_\_\_\_\_

2. \_\_\_\_\_

CDW/TW

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

PER 07-04-0070 DW D SAO Selby

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
<u>MARVIN HOLLIS</u>	<u>E-37508</u>	<u>*SHU*</u>	<u>D-8-22D</u>

A. Describe Problem: This complaint is filed for procedural and due process violations and not providing me with a fair and impartial hearing. This complaint is filed against (CD) M.P. MOORE, (SHU) T. SELBY, C/O D. SCHLITZ, and D. HERRICK. I was charged for violating a serious rule violation CCR. 3005(b) disobeying a direct order. C/O D. SCHLITZ, fabricated his report as the investigator dishonestly claiming he talked to me on 5-17-07 and interviewed L.P.T. HERRICK, as well as questioned C/O CASTELLANOS. PER (ASL) 114 Log dated 5-17-07 C/O SCHLITZ, was not in ASL.

If you need more space, attach one additional sheet.

\*(SEE ATTACHMENT)\*

B. Action Requested: FOR RVR# FD-07-04-0070 to be dismissed in the interest of justice per CCR. 3084.5(h)(1), and that all loss time credits, privileges and other adverse actions related to this RVR to be restored and rescinded per D.O.M. 54100.18-3. FOR AN APOLOGY FROM LT. SELBY, and (CD) MOORE.

Inmate/Parolee Signature: MARVIN HOLLIS

RECEIVED JUN 04 2007

Date Submitted: 6-3-07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

**BYPASS**
 28A  
 Final  
 Mod Order  
 07-056

 RECEIVED  
 DEC 14 2007  
 INMATE APPEALS  
 BRANCH

Staff Signature: \_\_\_\_\_

Date Returned \_\_\_\_\_

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Inmate Appeal Report, Classification Change, CDC 28, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

**BYPASS**

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: \_\_\_\_\_





First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_

Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

**BYPASS**

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Signature Approved: \_\_\_\_\_

Title: \_\_\_\_\_

Returned: \_\_\_\_\_

Date to Inmate: \_\_\_\_\_

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

**BYPASS**

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other \_\_\_\_\_G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 10.5.07Due Date: 7.17.07☒ See Attached LetterSignature: W. M. M.MOD ORDER - R/RDate Completed: 7-17-07

Warden/Superintendent Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

\*(D.O.M. 54/00.18.3)\*

THE ACTION REQUESTED FOR RVR# FD-07-04-0070 to be dismissed/VACATE  
HAS NOT BEEN GRANTED, NOR HAVE ANY OF MY LAST TIME CREDITS OR  
PRIVILEGES BEEN RESTORED. THERE IS NO EVIDENCE THAT I DISOBEYED  
A DIRECT ORDER AS CHARGED IN THE (RVR) FOR VIOLATING CCR. 3005(b).  
THERE IS NO NEED FOR A REHEARING WHICH THE APPEAL REVIEWER SHOULD OF  
VACATED/DISMISSED THE (RVR) PER CCR. 3004.5(h)(1) AND 3004(2). I REQUEST

Signature: MARVIN HOLLI'S TO EXHAUST MY ADMIN./REMEDY.Date Submitted: 9-17-07

For the Director's Review, submit all documents to: Director of Corrections  
 P.O. Box 942883  
 Sacramento, CA 94283-0001  
 Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_☐ See Attached Letter

Date: \_\_\_\_\_

\*(CONTINUED FROM SECTION (A))\*

ON 5-17-07 AND COULD NOT HAVE INTERVIEWED ME AS FABRICATED IN HIS REPORT AND IT IS QUESTIONABLE IF HE EVEN INTERVIEWED L.P.T. HERRICK, OR QUESTIONED GO CASTELLANOS. THE (SHO) ARBITRARILY FOUND ME GUILTY AND KNOWINGLY VIOLATED PROCEDURAL AND MY DUE PROCESS RIGHTS. I WAS DENIED WITNESSES AND THE REPORTING EMPLOYEE AND WAS UNABLE TO ESTABLISH A ADEQUATE PRESENTATION OF A DEFENSE AS BOTH WITNESSES ANSWERS TO QUESTIONS ~~needed~~ CLARIFICATION AND ALL MY QUESTIONS WAS NOT ADEQUATELY RESPONDED TO. I WAS DENIED 24 HOURS TO REVIEW THE I.E. REPORT PRIOR TO MY HEARING. THERE IS ABSOLUTELY NO EVIDENCE THAT ANY ORDERS WAS GIVEN OR THAT I DISOBEYED ANY ORDERS. THE (SHO) INTERPRETATION OF CCR. 3005(b) TO FIND ME GUILTY IS CLEARLY ARBITRARY AND CAPRICIOUS AND HAS NO REASONABLE BASIS. MY STATEMENT IN THE I.E. REPORT WAS INTENTIONALLY NOT REASONABLY CONSIDERED AT THE HEARING. LT. T. SELBY, CONSPIRED WITH THE INSTITUTIONAL CLASSIFICATION MEMBERS TO RETALIATE AGAINST ME AND TO HARASS ME FOR MY PRIOR USE OF THE (CDC) 602 PROCEDURE AND BEING A JAILHOUSE LAWYER. (CDC) MOORE, HAS CONDEMNED AND APPROVED OF ALL THE UNCONSTITUTIONAL ACTIONS TAKEN AGAINST ME INTENTIONALLY AND KNOWINGLY VIOLATING MY DUE PROCESS AND <sup>NOT</sup> PROVIDE ME WITH A FAIR AND IMPARTIAL REVIEW OF THE DISCIPLINARY HEARING. (CDC) MOORE, ABUSED HIS AUTHORITY TO AFFIRM LT. SELBY, ARBITRARY GUILTY FINDING. LT. ~~SELBY~~ SELBY, AND (CDC) MOORE, INFRINGEMENT UPON MY 1st AMENDMENT RIGHT HAD A CHILLING EFFECT AND DID NOT SERVE A LEGITIMATE PENOLOGICAL INTEREST OR INSTITUTIONAL GOALS. THESE ADMINISTRATIVE AND SUPERVISORY STAFF DISCRIMINATORY AND RETALIATORY

\*(OVER ON BACK)\*

ACTIONS AGAINST ME IS IRRESPONSIBLE BEHAVIOR AND SHOULD NOT BE TOLERATED BY (COC3'R) SECRETARY JAMES E. TILTON. THESE INCOMPETENT ~~STAFF~~ STAFF SHOULD CHANGE ~~THEIR~~ their operative philosophy. AS A RESULT OF THE ARBITRARY GUILTY FINDING AND RETALIATION, I HAVE SUFFERED AND CONTINUE TO SUFFER AN ATYPICAL AND SIGNIFICANT HARSHSHIP IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE WHICH INCLUDE AND NOT LIMITED TO; EXCESSIVE SEGREGATION, NO CONTACT VISITS, LESS PROPERTY IN MY CELL, RESTRICTED LAW LIBRARY ACCESS AND LEGAL MATERIALS, LESS CANTEEN, AND NO PHONE CALLS TO FAMILY AND FRIENDS. (CDO) ~~MOORE~~ MOORE NAME ON ANY DEPARTMENTAL DOCUMENTS AGAINST ME APPROVING OF PUNISHMENTS, HARASSMENT AND DISPARIT TREATMENT WHEATHER OR NOT I WAS AFFORDED due PROCESS. THESE IRRESPONSIBLE ACTIONS AND INCOMPETENT REVIEWS AND BEHAVIOR CAUSES A BURDEN ON THE STATE. AT THE MINIMUM, LT. SELBY, AND (CDO) MOORE, COULD OF TREATED ME FAIRLY PER CCR. 3004(2); AND CONCLUDED THAT I DID NOT VIOLATE CCR. 3005(b) NOR IS THERE ANY EVIDENCE TO SUPPORT THE ALLEGATIONS. I CAN ONLY BE FOUND GUILTY OF A SERIOUS RULE VIOLATION NOT A SPECIFIC ACT. THIS WAS NOT A TYPOGRAPHICAL ERROR CAUSE THE (SHO) CITED THIS ~~RULE~~ RULE CCR. 3005(b) IN HER FINDINGS AND DISPOSITION. I ~~even~~ even POINTED OUT THIS IN MY STATEMENT TO THE (SHO) AND SHE STILL ELECTED TO ARBITRARILY FIND ME GUILTY FOR VIOLATING CCR. 3005(b); OR MENTION IF IT WAS A TYPO ERROR. D.O.M. 5410018.2, 52080.5.3, AND CCR. 3315, 3320, 3318, AND 3004(2) HAS BEEN VIOLATED.

sign his

RECEIVED JUN 04 2007



804 to Records:  
STAT. OF CALIFORNIA

Date:

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE MAY 1 2007	INST. SVSP	HOUSING NO. 18-220	LOG NO. ED-07-04-0070
VIOLATED RULE NO(S) CCR §3005(b)	SPECIFIC ACTS WILLFULLY OBSTRUCTING THE PROGRAM	LOCATION 06/ASU	DATE 04/16/07	TIME 1015 hours	

## CIRCUMSTANCES

On Monday, April 16, 2007, at approximately 1015 hours, while performing Administrative Segregation records in 3B Building, B-Pod, and being escorted by Correctional Officer J. Castellanos, Inmate HOLLIS (E-37508, 08-220) requested me to stop at his cell door to talk to me by yelling out, "Hey, Psych Tech, come here!" At this time, I responded to the call and stopped in front of Inmate HOLLIS' door and when I asked him what he wanted he looked at me with an aggressive affect and yelled, "Listen you fat, fucking bitch!" Causing for other Inmates in the pod to laugh and yell obscenities out their cell. Inmate HOLLIS' continued action caused the others to continue yelling which necessitated me to stop the Psche rounds in B-Pod and continue to T-Pod. Inmate HOLLIS' actions delayed Psche rounds in B-Pod for approximately 15 minutes, to allow the yelling to stop so Psche rounds could be continued.

Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCNS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) D. Herrick, Correctional Psychiatric	DATE 4/16/07	ASSIGNMENT Psych Tech.	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE Sgt. [Signature]	DATE 4/16/07	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: D	DATE 4-16-07	CLASSIFIED BY (Typed Name and Signature) [Signature]
HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC		LOC.	

## COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) [Signature]	DATE 4/16/07	TIME 1200	TITLE OF SUPPLEMENT [Signature]
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) [Signature]	DATE 4/16/07	TIME 1430	BY: (STAFF'S SIGNATURE) [Signature]

## HEARING:

Plea: Inmate HOLLIS entered a plea of NOT GUILTY at this BPR hearing.

Findings: Inmate HOLLIS was found GUILTY of CCR §3005(b), specifically "Willfully Obstructing A Peace Officer," a Division "IX(5)" offense. This finding is based on the preponderance of evidence presented at the hearing which does substantiate the charge. The evidence presented at the hearing included: (Findings Can't See CCR-1150)

Disposition: Inmate HOLLIS was assessed 90 days Forfeiture of Credits, consistent with a Division "IX(5)" offense per CCR §3323(f)(5). Inmate HOLLIS was counseled, warned, and reprimanded.

Additional Disposition: Inmate HOLLIS was assessed 90 days loss of privileges to begin on 05/19/07 through 08/13/07. Loss of privileges includes: Ten Days Loss Of Yard (From 05/19/07 through 05/29/07), Family Visits, Telephone, Canteen Draw, Quarterly Package and Special Purchase.

Classification Referral: Refer to ICC for Program Review and 'C' Status placement.

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) T. Selby, Correctional Lieutenant	SIGNATURE [Signature]	DATE 05/13/07	TIME 1520
REVIEWED BY: (SIGNATURE) B. Rankin, Facility Captain	DATE 5/13/07	CHIEF DISCIPLINARY OFFICER'S SIGNATURE [Signature]	DATE 5/13/07
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE	TIME

CDC 115 (7/88)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-04-0070	INSTITUTION SVSP	TODAY'S DATE 05/18/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER				

Hearing Date: 05/13/07.

\* Time: 1520 hours. \*

Any Postponement Explained: N/A.

**Inmate Plea and Statement:** Inmate HOLLIS entered a plea of NOT GUILTY and stated: "I did not violate section 3005(b). I request the RVR be dismissed in the interest of justice."

**Inmate's Health:** Inmate HOLLIS claims to be in good health and prepared to proceed with the disciplinary process.

**MISD:** Inmate HOLLIS is a participant in the mental health services delivery system at the CCMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibits any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior.

**IE PROCESS:** Date of Discovery: 04/16/07.

Initial RVR copy served on: 04/18/07.

Incident Package served on: N/A.

D.A. results issued date: N/A.

Hearing started on: 05/13/07.

CDC-115-ff served on: N/A.

Supplemental served on: 05/17/07.

Last document served on: 05/17/07.

**D.A. Referral:** This matter was not referred to the Monterey County District Attorney's Office.

**Time Constraints:** All time constraints have been met pursuant to COR 3328X(b). Inmate HOLLIS was provided a copy of the CDC-115 within 15 days after the discovery of information leading to the charges. Hearing was held within 30 days of the date the inmate was provided a copy of the CDC-115. Inmate HOLLIS acknowledged receiving all documents used for this hearing 24 hours prior to the hearing.

WRONG!

**TAKE Score:** Inmate HOLLIS TAKE Reading Score was Above 4.0 as noted in the Central File. Inmate HOLLIS read the RVR aloud and was able to demonstrate his understanding of the RVR and the disciplinary process through discussion with the SID.

**Staff Assistant (SA):** Staff assistant was not assigned per CDC 10015 (3)(2)(A).

**Investigative Employee (IE):** Inmate HOLLIS requested and does not have the criteria for assignment of an Investigative Employee. Correctional Officer D. Schiltz was assigned. Officer D. Schiltz interviewed Inmate HOLLIS as part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate HOLLIS and follow up questions posed by I.E. for clarification purposes. Officer D. Schiltz prepared his report, to include his narration of the facts, and provided a copy of the report to Inmate HOLLIS one hour prior to this hearing.

**Evidence Requested or Used:** There was no evidence requested or used.

Wrong!

**External/Outside Evidence:** N/A.

**Video Tape Evidence:** N/A.

**Witness Requested:** Inmate HOLLIS requested Reporting Employee C. Currier and Officer Castellanos as witnesses to be present at the hearing; SID denied due to Inmate HOLLIS have no additional question for the above requested witnesses. Questions were asked during the I.E. Report.

T. Seloy, Correctional Lieutenant

(DISPO CON'T SEE CDCR-115C PAGE 2)

SIGNATURE OF WRITER		DATE SIGNED	
<i>[Signature]</i>		05/13/07	
GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED	
<i>[Signature]</i>			



COPY OF CDC 115-C GIVEN TO INMATE



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-04-0070	INSTITUTION SVSP	TODAY'S DATE 05/18/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

Witness Testimony at Hearing: N/A.

Confidential Information: N/A.

Entry Concerns: There was no entry concerns related with this disciplinary hearing.

Findings: Inmate HOLLIS is found GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) VR Log (FD-07-04-0070), authored by Reporting Employee (R.E.) LPT A. Perriek, wherein states:

"While performing Administrative Segregation rounds in 3-B building, 3-Pod, and being escorted by Correctional Officer J. Castellanos, Inmate HOLLIS (E-37508) requested me to stop at his cell door to talk to me by yelling out, 'Hey, Psych Tech, come here!' At this time, I descended to the cell and stood in front of Inmate HOLLIS' door and when I asked him what he wanted he looked at me with an aggressive affect and yelled, 'Listen you son of a bitch!' Causing for other inmates in the pod to laugh and yell obscenities out their cell. Inmate HOLLIS' continued action caused the other to continue yelling which necessitated me to stop the Psych rounds in 3-Pod and continue to 6-Pod. Inmate HOLLIS actions delayed Psych rounds in 3-Pod for approximately 15 minutes, to allow the yelling to stop so Psych rounds could be continued."

2) Information provided on the Investigative Employee where Inmate HOLLIS asked Officer J. Castellanos, "Did you observe Inmate HOLLIS disobey any orders or yell at A. Perriek on 04/16/07, in 3D-3B?" Officer J. Castellanos responded "yes".

CONCLUSION: Based on the aforementioned facts, this SR finds the preponderance of the evidence relied upon has been set to render and sustain a finding of Guilt on the charged offense of Inmate HOLLIS violating CCR §3205(5); specifically, "Willfully Obstructing A Peace Officer," a Division "X(5)" offense per CCR §2343 (E)(c).


WRONG!

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal per CCR section §3084.1 (a). Inmate HOLLIS was informed he would receive a copy of the completed RP upon final review of the Chief Disciplinary Officer. Inmate HOLLIS was further advised of credit restoration per CCR §3327 and §3328.

medina can I 602 this?  
without a screening form?

~~CONFIDENTIAL~~

L. Saloy, Correctional Lieutenant

SIGNATURE OF WRITER 		DATE SIGNED 05/18/07	
GIVEN BY: (Staff's Signature)		DATE SIGNED	TIME SIGNED
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER 6-37508	INMATE'S NAME HOLLIS	LOG NUMBER 05-07-04-0070	INSTITUTION SVSP	TODAY'S DATE 05/17/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 05/17/07, I was assigned as Investigative Employee for CDC-115, Log# FD-07-05-0070. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

DEFENDANT'S STATEMENT: On 05/17/07, I interviewed Inmate HOLLIS (6-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I request to be found not guilty in the interest of justice. Staff member D. Herrick, has filed a false report and made false allegations against me in retaliation and her personal animosity towards me. I did not violate a serious rule violation of CCR 3005(b) that I'm being charge for violating. D. Herrick has violated the code of conduct by willfully filing false charges against me due to her personal animosity against me. D. Herrick has taken advantage of my mental health condition."

REPORTING EMPLOYEE'S STATEMENT: On 05/17/07, I interviewed Correctional L.P.T. regarding Inmate HOLLIS disciplinary charges, and L.P.T. Herrick made the following statement: "Inmate HOLLIS continued actions caused the other inmate to continue yelling, which necessitated me to stop the psche rounds in B-Pod and continue to C-Pod. Inmate HOLLIS actions delayed Psche rounds in B-Pod for approximately 15 minutes to allow the yelling to stop so psche rounds could be continued."

INVESTIGATIVE EMPLOYEE'S STATEMENT: Correctional Officer D. Schlitz made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this RVR".

Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing.

NAME	POSITION	ROOM'S
Castellanos	C/O	
D. Herrick	L.P.T.	

Questions for C/O J. Castellanos

Q1) Did you witness any of the allegations made by D. Herrick against Inmate HOLLIS on 04/16/07?

A1) Yes.

Q2) Why didn't you write a supplemental report?

A2) Because Herrick did.

Q3) Which inmates if any were yelling obscenities and laughing in the section during the alleged 15 minutes delay?

A3) They all were.

Q4) Did you observe inmate HOLLIS disobey any orders or yell at D. Herrick on 04/16/07, in D8-ASU?

(Con't See Additional CDC-115 Part 'C')

D. Schlitz, Correctional Officer

SIGNATURE OF WRITER		DATE SIGNED 5/17/07	
GIVEN BY: (Staff's Signature)		DATE SIGNED 5/17/07	TIME SIGNED 1:00
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER 9-27703	INMATE'S NAME MILLS	LOG NUMBER 75-17-24-0070	INSTITUTION S/S	TODAY'S DATE 05/17/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

) Yes.

## Question for D. Merrick

- ) How did Inmate MILLS look at you allegedly with a aggressive affect?
- ) He called me over and then got that squinted eye look and started yelling obscenities.
- ) Where was your location in the ASU during your alleged 15 minute delay?
- ) I went to C-Pod and in' to wait for approximately 15 minutes for then to all stop yelling.
- ) What time did you sign in and out of ASU on the ASU 114 log book on 05/16/07?
- ) Don't know.
- ) After Inmate MILLS alleged statement, "Listen you, fucking fat bitch," how did it cause you and inmates in the pod to laugh and yell obscenities to you?
- ) You laughed then and some were angry at you.
- ) Did you document any of the alleged inmates obscenities towards you?
- ) No, because I couldn't tell who they were.
- ) How was inmate MILLS alleged actions continued?
- ) Irrelevant.
- ) Any communication or any scuffled after Inmate MILLS alleged actions towards you between you and Inmate MILLS?
- ) None.

W. Sanchez, Correctional Officer

SIGNATURE OF WRITER		DATE SIGNED 5/17/07	
GIVEN BY: (Staff's Signature)		DATE SIGNED 05/17/07	TIME SIGNED 1930
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

## CALIFORNIA DEPARTMENT OF CORRECTIONS

NAME: HOLLIS

CDC #: E37508

BED: D8-220L

## COMMITTEE ACTION SUMMARY

ADJUST APPROVED SHU TERM MERD TO 9/1/07 DUE TO SUBSEQUENT MISCONDUCT, RETAIN IN ASU PENDING PRE-MERD REVIEW, CONTINUE MAX CUSTODY, WG/PG D2/D EFFECTIVE 12/1/06, 2X CELL, ASU W/A YARD, PSYCH IS CCCMS, S/A K. MENSING, CCI.

## COMMITTEE'S COMMENTS

Inmate HOLLIS appeared before Salinas Valley State Prison's (SVSP's) Administrative Segregation Unit (ASU) Institutional Classification Committee (ICC) today for his Program Review. HOLLIS stated that his health was good and was willing to proceed. HOLLIS received his 72-hour notice for the purpose of this review. Prior to committee reviewing and discussing this case, HOLLIS was introduced to the committee members.

According to HOLLIS' CDC 114D, he was placed into SVSP's ASU on 12/5/2006 for: Threatening Staff. The RVR has been adjudicated and HOLLIS was found guilty as charged. ICC action dated 3/8/07 assessed a 9 month SHU term with MERD 6/24/07 for that offense. ICC notes that HOLLIS has been found guilty of 2 additional Serious RVR's (RVR dated 2/21/07 'Willfully Obstructing a Peace Officer' and RVR 3/26/07 'Disrespect to Staff'). ICC elects to adjust HOLLIS' SHU MERD by 2 month and 7 days due to the subsequent misconduct. ICC notes that HOLLIS' new MERD is 9/1/07 (MAX SHU date). ICC elects to retain HOLLIS in ASU pending Pre-MERD review. ICC notes that HOLLIS' WG/PG was assessed at D2/D by ICC action dated 3/8/07. The ICC action noted that WG/PG D2/D was to continue after the amount of credit loss for the assessed SHU term due to being deemed a program failure. HOLLIS has been found guilty of 3 Serious RVR's in the last 6 month. HOLLIS continues to meet criteria for program failure as defined in the CCR Title 15, 3000 (Definitions). ICC elects to continue WG/PG D2/D based on being deemed a program failure (CCR Title 15, 3044 (b) (7) (C)). Inmate HOLLIS was informed that he may, after 30 days, request in writing to his assigned counselor to be removed from WG/PG D2/D. HOLLIS will be scheduled for committee within 30 days of receipt of written request, to have his WG/PG D2/D reviewed.

Based upon a review of HOLLIS' CDC 114D, Central File, case factors, and through discussion with him, committee elects to: Adjust approved SHU term MERD to 9/1/07 due to subsequent misconduct, Retain in ASU pending Pre-MERD review, Continue MAX Custody, WG/PG D2/D effective 12/1/06, 2x Cell, ASU W/A Yard, Psych is CCCMS, S/A K. Mensing, CCI. At the conclusion of this review, HOLLIS was informed of his Appeal Rights with regards to this committee's actions. HOLLIS acknowledged his understanding and agreement with committee's actions.

## STAFF ASSISTANT

Assigned: (Issues complex and/or Inmate participant in MHSDS) SA Present: K. Mensing, CCI

## INMATE CASE FACTORS

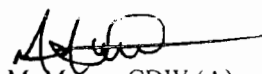
CUSTODY	CS/LEVEL	WG/PG & EFF. DATE	RELEASE DATE	GPL	RECLASS	ETHNIC	PSYCH - DATE 128C	NEXT BPT & DATE
MAX	433/IV	D2D - 12/1/2006	MEPD 7/2/2082	8 (R)	5/17/2008	BLA	CCCMS 1/25/2006	DOC #1 7/2010

## COMMITTEE MEMBERS


## CHAIRPERSON

## MEMBERS

## RECORDER

  
M. Moore, CDW (A)

B. Rankin, FC Dr. Orling, Mental Health

  
A. Meden, CCII (Sup)

Committee Date: 5/17/2007

## PROGRAM REVIEW

Committee: D051707PPN2

Typed By: AKM - Distribution: C-File & Inmate

SALINAS VALLEY STATE PRISON

Classification Chrono CDC 128G (Rev: 1/05)

Look at date of RVR hearing. I.C.C. members told the LT, to find me guilty to support their predetermined arbitrary actions against me. I.C.C. knew about this (RVR) but did not put the date in the 128(G) cause of this 602.



DISPO Officers

Salinas Valley State Prison  
Inmate Appeals Office

RECEIVED

SEP 18 2007

AW/COMPLEX

**MODIFICATION ORDER**

9/10/07  
August 28, 2007

Second / Third

Mod Order # 07-054

**CA2**

RE: HOLLIS, E37508  
D8/220  
SVSP-D-07-02525  
DISCIPLINARY

SVSP INMATE APPEALS OFFICE RECEIVED COMPLETED RESPONSE ON	
Mod Order OCT 12 2007	
1 <sup>ST</sup> LVL <input checked="" type="checkbox"/>	2 <sup>ND</sup> LVL <input type="checkbox"/>

Please be informed that as a result of a **Level II** Decision, the above referenced appeal has been **GRANTED IN PART**. Please complete this modification order to comply with the decision.

10/10/07  
**DUE DATE: 09/26/2007**

REISSUE AND REHEAR RVR

IN ACCORDANCE WITH TITLE 15, CALIFORNIA CODE OF REGULATIONS, SECTION 3312(b)(1), RULE VIOLATION REPORT D/07/04/0070, DATED 04/16/07 FOR "WILLFULLY OBSTRUCTING A PEACE OFFICER" IS ORDERED RETYPED AND REISSUED. ENSURE THAT THE DATE OF THE REHEARING ORDER IS INCLUDED IN THE BODY OF THE RULE VIOLATION REPORT, INCLUDING THE NAME OF THE CDO ORDERING THE REHEARING. A NEW SENIOR HEARING OFFICER (SHO) SHALL BE ASSIGNED TO THIS MATTER AND ENSURE THAT ALL PROCEDURAL DUE PROCESS RIGHTS ARE AFFORDED THE INMATE AS PROVIDED IN TITLE 15, DIVISION 3.

The modification was completed in the following manner:

On 9/19/07, in accordance with this
Mod. Order, this RVR was <del>not</del> ordered Reissued
Rehear by C.D.O. G. LEWIS. The new Log number
is FD-07-09-0049R. On 9-27-07 RVR # FD-07-09-0049R
was reduced to a CDCR 128-A.

(You must attach a copy of any documents proving compliance, such as CDC Form 128-G, Classification Chrono; CDC Form 128-C, Medical Chrono; CDC Form 115, Rules Violation Report, etc.)



Certified as completed by:

<u>S. Celaya</u>	<u>C/O</u>	<u>D Facility</u>
Name (Signed)	Title	Location
<u>S. Celaya</u>	<u>10-2-07</u>	
Name(Printed)	Date	

# Memorandum

Date: July 17, 2007

To: Inmate HOLLIS, E37508  
Salinas Valley State Prison

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-D-07-02525

## ISSUE:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log # D-07-04-0070 dated 04/16/07 for "Willfully Obstructing a Peace Officer." Appellant claims he was not afforded a fair and impartial hearing. Appellant alleges Correctional Officer Schlitz fabricated his Investigative Employee (IE) report. Appellant stated he was disallowed witnesses and disallowed the Reporting Employee as a witness. Appellant claims he was not issued the IE report 24 hours prior to the hearing. Appellant claimed there was no evidence with which to sustain the finding of guilt. Appellant asserts the Senior Hearing Officer (SHO) conspired with unnamed members of an Institution Classification Committee (ICC) in order to retaliate and harass him. The appellant claims the Chief Disciplinary Officer (CDO) abused his authority when he affirmed the RVR.

Appellant requests dismissal of the RVR and all references to it be removed from his C-File.

**REGULATIONS:** The rules governing this issue are:

CCR 3005 Conduct  
CCR 3315 Serious Rule Violations  
CCR 3320 Hearing Procedures and Time Limitations

## **SUMMARY OF INVESTIGATION:**

The First Level of Review was bypassed per CCR 3084.5(b). T. Variz, Appeals Coordinator was assigned to investigate this appeal at the Second Level of Review. All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented by the appellant and evaluated in accordance with Salinas Valley State Prison Operational Procedures (OP); the CCR; and the Departmental Operations Manual (DOM).

A review of the RVR indicates that appellant was charged with CCR 3005, for the specific act of "Willfully Obstructing a Peace Officer."

The charge was classified as a Division "D" offense. The discovery date of the RVR was 04/16/07.

Appellant received his copy of the RVR on 04/18/07, which was within fifteen (15) days of the discovery.

The RVR was not referred to the Monterey County District Attorney (DA) prosecution.

The RVR reflects that he attended the disciplinary hearing held on 05/18/07, and pled "Not Guilty" to the charge.

The hearing was held within thirty (30) days from the date that appellant was provided a copy of the RVR. The SHO determined a guilty finding, and assessed ninety (90) days credit loss forfeiture, as a result of lost time constraints.

Other time constraints related to the RVR were met; all copies of evidence were issued 24 hours prior to the hearing, and appellant was afforded all due process rights with regards to witnesses.

Appellant was a participant in the Mental Health Services Delivery System at the Correctional Clinical Case Management System (CCCMS) level of care. The SHO noted the circumstances of the RVR did not indicate that Inmate Hollis exhibited any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate Hollis did not demonstrate any strange, bizarre, or irrational behavior. Based on this and recent changes approved by the U.S. District Court on COLEMAN, a mental health assessment was not initiated.


A Staff Assistant was not assigned per CCR 3315 (d)(2)(A). An Investigative Employee (IE) was assigned.

The appellant's attachments and filing has been reviewed. This review will not address the appellant's specific issues as it is determined the RVR shall be ordered reissued. This reissuance is the result of the appellant's documented request within the RVR that the Reporting Employee be present as a witness and the SHO documented that she denied the Reporting Employee as a witness. The appellant has a right to have the Reporting Employee present as a witness if requested.

**DECISION:** The appeal is Partially Granted. **MODIFICATION ORDER REQUIRED:**

**MODIFICATION ORDER:** In accordance with Title 15, California Code of Regulations Section 3312(b)(1), Rule Violation Report D-07-04-0070, dated 04/16/07 for "Willfully Obstructing a Peace Officer" is ordered retyped and reissued. Ensure that the date of the rehearing order is included in the body of the Rule Violation Report, including the name of the CDO ordering the rehearing. A new Senior Hearing Officer (SHO) shall be assigned to this matter and ensure that all procedural due process rights are afforded the inmate as provided in Title 15, Division 3.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.



G. A. NEOTTI  
Chief Deputy Warden  
Salinas Valley State Prison

FACILITY 'D'

## NOTICE OF ACTION

Date: SEPTEMBER 27, 2007

To: CORRECTIONAL ADMINISTRATOR, COMPLEX II

Disciplinary CDCR-115 Log #: ~~FD-07-04-0070R~~ FD-07-09-0049RInmate Name: HOLLIS CDCR #: E-37508

☐ CDCR-115 VOIDED / DISMISSED (Circle One) on this date \_\_\_\_\_ for the following reasons: \_\_\_\_\_

(Disciplinary Log must show this action as Voided and include Facility Captain's signature)

☒ Reduce to ~~CDCR-128A~~ / CDCR-128B (Circle One) on this date 09/27/07 for the following reasons: RVR REDUCED TO CDCR-128A PER CAPTAIN B.F. RANKIN

(Once it has been Classified, this must be approved by Facility Captain's signature)

☐ Postponed pending D.A.:

Date referred to D.A.: \_\_\_\_\_

Incident Package Log #: \_\_\_\_\_

Date I/M signed D.A. Postponement Request: \_\_\_\_\_

D.A. Contact Date: \_\_\_\_\_ Current Status: \_\_\_\_\_

D.A. Contact Date: \_\_\_\_\_ Current Status: \_\_\_\_\_

(If the Inmate does not request Postponement in writing, there is no postponement)

☐ Inmate Transferred to another Institution:

Name of Institution: \_\_\_\_\_ Date of Transfer: \_\_\_\_\_

Date Memo sent to new Institution requesting Hearing: \_\_\_\_\_

Date follow up contact: \_\_\_\_\_ Name of contact: \_\_\_\_\_

Date follow up contact: \_\_\_\_\_ Name of contact: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

R. J. Fuchs LT.  
 (4) Disciplinary Officer's Signature  
 D.J. CAPLAN

10/2/07  
 Date

B.F. RANKIN  
 Facility Captain's Signature  
 B.F. RANKIN

10-2-07  
 Date

G.D. LEWIS  
 Chief Disciplinary Officer's (CDO) Signature  
 G.D. LEWIS, CDO

10/2/07  
 Date

NAME and NUMBER

HOLLIS

E-37508

07-09-0049 R

On 09/19/07, RVR Log #FD-07-04-0070R, was ordered Reissue/Rehear, however, on 09/27/07, this RVR is being reduced to CDCR-128A per Facility "D" Captain B.F. Rankin.

On April 15, 2007, at approximately 1015 hours, while performing Administrative Segregation rounds in D-8 "B" pod, and being escorted by Officer J. Castellanos, Inmate HOLLIS (E-37508) requested Psych Tech D. Herrick to stop at his cell door to talk to her by yelling out, "Hey, Psych Tech, come here!". At this time Psych Tech D. Herrick responded to the call and stopped in front of HOLLIS' door and when Psych Tech D. Herrick asked him what he wanted, he looked at Psych Tech D. Herrick with an aggressive affect and yelled, "Listen, you fat, fucking bitch!" Causing for other Inmates in the pod to laugh and yell obscenities out their cell. HOLLIS continued actions caused the other to continue yelling which necessitated Psych Tech D. Herrick to stop the Psych rounds in "B" Pod and continue to "C" Pod. Inmate HOLLIS actions delayed Psych rounds in "B" Pod for approximately 15 minutes, to allow the yelling to stop so Psych round could be continued.

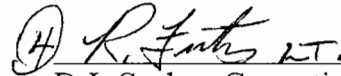
Original: C-File

cc: Inmate

CC-II for CC-I

Visiting Sergeant

Writer



D.J. Caplan, Correctional Lieutenant  
Facility "D" Program 2<sup>nd</sup>/W  
Salinas Valley State Prison

DATE: 09/27/07

RVR REDUCED TO CDCR-128A PER CAPTAIN RANKIN

SVSP



**INMATE APPEALS BRANCH**

1515 S Street, Sacramento, CA 95814  
P.O. Box 942883  
Sacramento, CA 94283-0001



October 23, 2007

Appeals Coordinator  
Salinas Valley State Prison  
P.O. Box 1020  
Soledad, CA 93960-1020

*2nd level  
07.054*

RE: HOLLIS, MARVIN, E37508,  
IAB# 0708619, Institution Log# SVSP-07-02525, DISCIPLINARY

To the SVSP Appeals Coordinator:

The Director's Level Inmate Appeals Branch needs your assistance in resolving this inmate appeal which has been screened back to you for further action.

The action granted by the appeal decision has apparently not yet been accomplished. Please expedite.

The appellant claims that the second level order (to reissue and rehear the RVR) has not yet been completed. Please evaluate and respond to the appellant. Thank you.

*N. Grannis*

N. GRANNIS, Chief  
Inmate Appeals Branch

*See attached  
Mod order*

**INMATE APPEALS BRANCH**

1515 S Street, Sacramento, CA 95814  
P.O. Box 942883  
Sacramento, CA 94283-0001



February 25, 2008

HOLLIS, MARVIN, E37508  
High Desert State Prison  
P.O. Box 270220  
Susanville, CA 96127

RE: IAB# 0719129 SVSP-07-04624 DISCIPLINARY

Mr. HOLLIS:

The Inmate Appeals Branch, California Department of Corrections and Rehabilitation (CDCR) acts for the Director, Division of Adult Institutions, at the third level of appeal. The Branch examines and responds to inmate and parolee appeals that are submitted on a CDC Form 602, Inmate/Parolee Appeal Form, after the institution or parole region has responded at the Second Level of Appeal.

Institution and parole staff are available to assist you in obtaining additional copies of forms and documents required to submit an appeal. The inmate library offers resources and assistance to obtain general information regarding regulations, procedures, policies, and government agency addresses. Additionally, your assigned Counselor or Parole Agent, or the Appeals Coordinator can answer any questions you may have regarding the appeals process. The Inmate Appeals Branch appreciates your responsible use of the appeal system to address your grievance.

The Inmate Appeals Branch has received an appeal from you and has determined that it does not comply with the appeal procedures established in California Code of Regulations (CCR) Title 15, Article 8, and is being screened-out and returned to you pursuant to CCR 3084.3 for the following reason(s):

The Second Level of Review is considered the department's final action in regard to CDC Form 128-A, Custodial Chronos.

A handwritten signature in black ink, appearing to read "N. Grannis".

N. GRANNIS, Chief  
Inmate Appeals Branch



INMATE/PAROLEE  
APPEAL FORM  
CDC 602 (12/87)

Location: Institution/Parole Region: 1. SVBP d 1. 07-04624 1  
2. 2. Compariz 2nd

D8  
You may appeal any policy, action or decision which has significant adverse affect upon you. With the exception of Serious 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeal Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

128 A  
NAME: MARVIN HOLLIS NUMBER: E-37508 ASSIGNMENT: Ad/SCG UNIT/ROOM NUMBER: D-8-220

A. Discuss Problem: This complaint is filed against SALINAS VALLEY STATE PRISON (LPT) D. HERRICK, SENIOR HEARING OFFICER, AND INVESTIGATING EMPLOYEE RELATIVE TO (RVR) FD-07-04-0070 AND FD-07-09-0049R. THE REPORTING EMPLOYEE FALSELY CHARGED ME WITH RULE VIOLATION AND THE SENIOR HEARING OFFICER FALSELY FOUND ME GUILTY WITH OUT DUE PROCESS IN RETALIATION AND REPRISAL FOR MY PRIOR USE OF THE GRIEVANCE PROCEDURE AND BEING A JAILHOUSE LAWYER. THE INVESTIGATING EMPLOYEE FALSEIFIED THE I.E. REPORT CONSPIRING WITH THE HEARING OFFICER TO FIND ME GUILTY. MY DUE PROCESS RIGHTS WERE VIOLATED AND THE HEARING WAS NOT FAIR AND IMPARTIAL. ON 10-2-07 THE RULES  
If you need more space, attach on additional sheet. (SEE ATTACHMENT)

A. Action requested: ALLOWED TO EXHAUST MY ADMINISTRATIVE REMEDY AND FOR THE 128-A TO BE VOICED AND TAKEN OUT MY CENTRAL FILE. THAT ALL LAST TIME CREDITS BE RESTORED AND PRIVILEGES RELATIVE TO RVR# FD-07-04-0070. FOR RVR# FD-07-04-0070 TO BE REISSUED REHEARD AS ORDERED AFFORDING ME ALL DUE PROCESS RIGHTS.  
RECD OCT 15 2007  
Inmate/Parolee Signature: Marvin Hollis Date Submitted: 10-8-07  
RECD OCT 22 2007

B. INFORMAL LEVEL (Date Received \_\_\_\_\_)

Staff Response:

**BYPASS**

RECD OCT 18 2007

DEC 11 2007  
RECEIVED  
SIX  
VGR

Staff Signature:

Date Returned to Inmate:

C. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigators Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for procession within 15 days of receipt of response.

**BYPASS**

Signature:

Date Submitted:

Note: Property/Funds appeals must be accompanied by a completed Board of Control Form BC-1E, Inmate Claim

CDC Appeal Number:

First Level: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

**BYPASS**Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_  
In Head Approved: \_\_\_\_\_ Returned: \_\_\_\_\_  
Date: \_\_\_\_\_ Title: \_\_\_\_\_ Date to Inmate: \_\_\_\_\_

If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

**BYPASS**

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Second Level: ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 10-23-07 Due Date: 12-6-07  
☒ See Attached LetterSignature: [Signature] Date Completed: 12-5-07Warden/Superintendent Signature: [Signature] Date Returned to Inmate: \_\_\_\_\_

DELIVERED DEC 12 2007

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt response.

Dissatisfied! The action requested has not been granted, thus I request to exhaust my administrative remedy. This appeal was delivered to me from (SVSP) to (HDSP) through OBIS. I received the appeal on 12-27-07 and submitted the appeal the same day within 15 days.

Signature: Murvin Hollis Date Submitted: 12-27-07For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate AppealsDIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other  
☐ See Attached Letter

Date: \_\_\_\_\_



\* (continued from section (A)) \*

violation was reduced inappropriately by Captain D. Rankin, to a 128-A and condoned by (CDD) in a attempt to cover up the issue raised and to speed up my transfer process so (CSR) can approve my transfer in retaliation for my prior use of the grievance procedure and being a jailhouse lawyer. I was not provided with a copy of the 128-A allegedly authored by D. Herrick, nor did D. Herrick, write a 128-A against me. None of my privileges or credits were restored nor was the RVR reviewed reheard as ordered by the warden or his designee. I have suffered an atypical significant hardship relative to RVR#FD-07-04-0070. The infringement upon my 1st Amendment Right had a chilling effect and did not ~~serve~~ serve a penological interest or institutional goals.



# Memorandum

Date: December 5, 2007

HDSP

To: Inmate HOLLIS, E37508  
Salinas Valley State Prison

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-D-07-04624

## ISSUE:

The appellant is submitting this appeal relative to CDCR Form 128A, dated 09/27/07 for "Disrespect to Staff/Conduct." Appellant denies the charges and claims he was issued the 128A as a reprisal for being a "jail house lawyer."

Appellant requests to exhaust his administrative remedies. Appellant requests removal of the 128A from his C-File. Appellant requests restoration of the credit and privileges forfeited from RVR D07-04-0070

**REGULATIONS:** The rules governing this issue are:

CCR 3312 Disciplinary Methods

## **SUMMARY OF INVESTIGATION:**

T. Variz, Appeals Coordinator, was assigned to investigate this appeal at the Second Level of Review. The First Level of Review was bypassed per CCR 3084.5(b). All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented by the appellant and evaluated in accordance with Salinas Valley State Prison Operational Procedures (OP); the CCR; and the Departmental Operations Manual (DOM).


The appellant's filing and attachments have been reviewed. The appellant's appeal is regarding the issuance of the informational chrono and it was appropriately processed as such and does not meet the criteria for a staff complaint. The appellant alleged staff misconduct in that he asserted the staff reports were falsely written. This appeal was discussed with the SVSP Hiring Authority per AB 05/03 and the SVSP Hiring Authority determined this issue did not rise to the level of a staff complaint and assigned as a disciplinary appeal. The appellant was not issued the original RVR and subsequent 128A in retaliation for his use of the appeals process or for his claim of being a "jail house lawyer." The appellant's assertions are unfounded and without merit. The appellant failed to support his assertions with any type of evidence or substantiation.

Inmate HOLLIS, E37508  
Case No. SVSP-D-07-04624  
Page 2

The appellant's requests with regard to RVR D-07-04-0070 is moot as the RVR was reduced to a 128A Disciplinary Chrono and the original RVR was voided. This review finds that the employee properly documented minor misconduct as required by regulations.

**DECISION:** The appeal is Denied.

The appellant is advised that this issue may not be submitted for a Director's Level of Review. This 2<sup>nd</sup> level response provides the Department's final review for a CDC 128A, counseling chrono appeal.



G.A. NEOTTI  
Chief Deputy Warden  
Salinas Valley State Prison

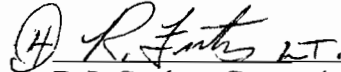
NAME and NUMBER HOLLIS E-37508

07-09-0049 R

On 09/19/07, RVR Log #FD-07-04-0070R, was ordered Reissue/Rehear, however, on 09/27/07, this RVR is being reduced to CDCR-128A per Facility "D" Captain B.F. Rankin.

On April 15, 2007, at approximately 1015 hours, while performing Administrative Segregation rounds in D-8 "B" pod, and being escorted by Officer J. Castellanos, Inmate HOLLIS (E-37508) requested Psych Tech D. Herrick to stop at his cell door to talk to her by yelling out, "Hey, Psych Tech, come here!". At this time Psych Tech D. Herrick responded to the call and stopped in front of HOLLIS' door and when Psych Tech D. Herrick asked him what he wanted, he looked at Psych Tech D. Herrick with an aggressive affect and yelled, "Listen, you fat, fucking bitch!" Causing for other Inmates in the pod to laugh and yell obscenities out their cell. HOLLIS continued actions caused the other to continue yelling which necessitated Psych Tech D. Herrick to stop the Psych rounds in "B" Pod and continue to "C" Pod. Inmate HOLLIS actions delayed Psych rounds in "B" Pod for approximately 15 minutes, to allow the yelling to stop so Psych round could be continued.

Original: C-File  
cc: Inmate  
CC-II for CC-I  
Visiting Sergeant  
Writer

  
D.J. Caplan, Correctional Lieutenant  
Facility "D" Program 2<sup>nd</sup>/W  
Salinas Valley State Prison

DATE: 09/27/07

RVR REDUCED TO CDCR-128A PER CAPTAIN RANKIN

SVSP

FACILITY 'D'

# NOTICE OF ACTION

Date: SEPTEMBER 27, 2007To: **CORRECTIONAL ADMINISTRATOR, COMPLEX II**Disciplinary CDCR-115 Log #: ~~FD-07-04-0070R~~ FD-07-09-0049RInmate Name: HOLLIS CDCR #: E-37508

☐ CDCR-115 **VOIDED / DISMISSED** (Circle One) on this date \_\_\_\_\_ for the following reasons: \_\_\_\_\_  
(Disciplinary Log must show this action as Voided and include Facility Captain's signature)

☒ Reduce to ~~CDCR-128A~~ / **CDCR-128B** (Circle One) on this date 09/27/07 for the following reasons: RVR REDUCED TO CDCR-128A PER CAPTAIN B.F. RANKIN  
(Once it has been Classified, this must be approved by Facility Captain's signature)

☐ **Postponed pending D.A.:**

Date referred to D.A.: \_\_\_\_\_

Incident Package Log #: \_\_\_\_\_

Date I/M signed D.A. Postponement Request: \_\_\_\_\_

D.A. Contact Date: \_\_\_\_\_ Current Status: \_\_\_\_\_

D.A. Contact Date: \_\_\_\_\_ Current Status: \_\_\_\_\_

(If the Inmate does not request Postponement in writing, there is no postponement)

☐ **Inmate Transferred to another Institution:**

Name of Institution: \_\_\_\_\_ Date of Transfer: \_\_\_\_\_

Date Memo sent to new Institution requesting Hearing: \_\_\_\_\_

Date follow up contact: \_\_\_\_\_ Name of contact: \_\_\_\_\_

Date follow up contact: \_\_\_\_\_ Name of contact: \_\_\_\_\_

☐ **OTHER:** \_\_\_\_\_

R. J. Futs LT.  
Disciplinary Officer's Signature  
D.J. CAPLAN

10/2/07

Date

B.F. RANKIN  
Facility Captain's Signature  
B.F. RANKIN

10-2-07

Date

G.D. LEWIS, CDO  
Chief Disciplinary Officer's (CDO) Signature  
G.D. LEWIS, CDO

10/2/07

Date

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, MARVIN GLENN HOLLIS, declare:

I am over 18 years of age and a party to this action. I am a resident of High  
Desert State Prison,

in the county of lassen,

State of California. My prison address is: P.O. Box 3030

SUSANVILLE, CALIF, 96127

On ~~June 10, 2008~~ JUNE 15, 2008  
(DATE)

I served the attached 42 U.S.C. (1983) CIVIL COMPLAINT  
with (3) attached (CDCR) 3rd level of appeals exhausted.  
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope,  
with postage thereon fully paid, in the United States Mail in a deposit box so provided at the  
above-named correctional institution in which I am presently confined. The envelope was

addressed as follows: UNITED STATES NORTHERN DIST. COURT

450 GOLDEN GATE AVE.

SAN FRANCISCO, CA, 94102

I declare under penalty of perjury under the laws of the United States of America that the  
forgoing is true and correct.

Executed on 6-15-08  
~~June 10, 2008~~  
(DATE)

Marvin Glenn Hollis  
(DECLARANT'S SIGNATURE)



WINN DOLLIS, E-3/508  
High desert state PRISON

P.O. BOX 3030, C-8-127

SUSANVILLE, CALIF, 96127

United States

450 GO

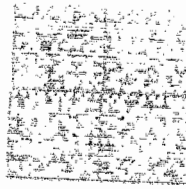
SAN FRANCISCO

STATE PRISON



"LEGAL MAIL"





505 050  
JUN 21 2008  
US POSTAGE

NORTHERN DISTRICT COURT OF CALIFORNIA  
JEN GATE AVE.  
SCD, CALIF, 94102

RECEIVED

JUN 21 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*[Handwritten signature]*